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Attorneys for the United States of America

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JAN 25 2008  
RICHARD W. WILSON  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES *ex rel.* MARGARET  
MCCARTHY,

Plaintiff,

v.

LINCARE HOLDINGS, INC., et al.,

Defendant.

No. C 06-6649 WHA

STIPULATION OF DISMISSAL;  
~~PROPOSED~~ ORDER

FILED UNDER SEAL

Subject to the Court's approval, Plaintiffs, the United States and Relator Margaret McCarthy, HEREBY STIPULATE that:

1. On January 17, 2008, the United States filed its Notice of Election to Intervene in the above-captioned case and included a proposed order which would, *inter alia*, unseal the case going forward. As we have not yet received a signed unsealing order from the Court, we submit this stipulation under seal.

2. Pursuant to Fed. R. Civ. P. 41(a)(1) and the terms of the settlement agreement effective January 17, 2008, which was executed by the United States, Relator, and Defendants, Plaintiffs hereby dismiss this action with prejudice.

1 3. No answer or other responsive pleading has been filed in this action. The United  
2 States and Relator are filing this dismissal to comply with the terms of their January 17, 2008  
3 settlement agreement.

4 Respectfully submitted,

5 JOSEPH P. RUSSONIELLO  
6 United States Attorney

7 DATED: January 25, 2008

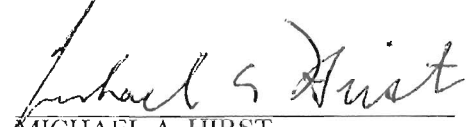
By:

  
8 SARA WINSLOW  
9 Assistant United States Attorney  
Attorneys for the United States of America

10 DATED: January 25, 2008

HIRST & CHANLER LLP

11 By:

12   
13 MICHAEL A. HIRST  
14 Attorneys for Qui Tam Relator

15 **[PROPOSED] ORDER**

16 Pursuant to stipulation and for good cause shown, IT IS HEREBY ORDERED THAT  
17 this action is dismissed with prejudice, pursuant to the terms of the January 17, 2008 settlement  
18 agreement among the parties.

19 IT IS SO ORDERED.

20 Dated: 1.29.08

  
21 HON. WILLIAM H. ALSUP  
22 United States District Judge  
23  
24  
25  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that she is an employee of the Office of the United States  
3 Attorney for the Northern District of California and is a person of such age and discretion to be  
4 competent to serve papers. The undersigned further certifies that she is causing a copy of the  
5 following:

6 **STIPULATION FO DISMISSAL; [PROPOSED] ORDER**

7 **United States ex rel. Under Seal v. Under Seal**  
8 **C 06-6649 WHA (UNDER SEAL)**

9 to be served this date upon each of the persons indicated below at the address shown:

10 Mark A. Kleiman, Esq.  
11 Law Offices of Mark Allen Kleiman  
12 1640 Fifth St., Suite 214  
Santa Monica, CA 90401

Michael A. Hirst, Esq.  
Leslie S. Guillon, Esq.  
Hirst & Chanler LLP  
455 Capitol Mall, Suite 605  
Sacramento, CA 95814

13 ✓ **BY FIRST CLASS MAIL** by placing a true copy thereof in a sealed envelope  
14 with postage thereon fully prepaid in the designated area for outgoing U.S. mail in  
accordance with this office's practice.


15        **BY PERSONAL SERVICE (BY MESSENGER):** I caused such envelope to be  
16 delivered by hand to the person or offices of each addressee above.

17        **BY FACSIMILE (FAX):** I caused each such document to be sent by facsimile to  
the person or offices of each addressee above.

18        **BY E-MAIL:** I caused each such document to be sent by e-mail to the person or  
19 offices of each address above.

20        **BY FEDERAL EXPRESS**

21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct. Executed January 25, 2008 at San Francisco, California.

23   
24 KATHY TERRY  
Legal Assistant